APPENDIX A

Clifford H. RAY, Appellant,

v.

SEABOARD AIR LINE RAILROAD COMPANY, Appellee.

No. J-88.

District Court of Appeal of Florida.
First District.

Dec. 21, 1967.

Rehearing Denied Jan. 25, 1968.

Appeal from Circuit Court, Alachua County; John A. H. Murphree, Judge.

James F. Lang, of Chandler, O'Neal, Carlisle, Avera & Gray, Gainesville, for appellant.

Cox & Webb, Jacksonville, and Clayton, Arnow, Duncan, Johnston, Clayton & Quincey, Gainesville, for appellee.

PER CURIAM.

This cause having been orally argued before the court, the briefs and record on appeal having been read and given full consideration, and appellant having failed to demonstrate reversible error, the judgment of the lower court hereby appealed is affirmed. See Seaboard Air Line Railroad Company v. Gentry (Fla. 1950), 46 So.2d 485; Holl v. Talcott (Fla. 1966), 191 So.2d 40.

WIGGINTON, C. J., and CARROLL, DONALD and RAWLS, JJ., concur.

APPENDIX B

IN THE SUPREME COURT OF FLORIDA
JANUARY TERM, A. D. 1968
FRIDAY, MAY 3, 1968

CLIFFORD H. RAY,

Petitioner,

vs.

SEABOARD AIRLINE RAILROAD COMPANY, etc.,

Respondent.

CASE No. 37,226

DISTRICT COURT OF APPEAL,
FIRST DISTRICT

This cause having heretofore been submitted to the Court on Petition for Writ of Certiorari, jurisdictional briefs and portions of the record deemed necessary to reflect jurisdiction under Florida Appellate Rule 4.5 c (6), and it appearing to the Court that it is without jurisdiction, it is ordered that the Petition for Writ of Certiorari be and the same is hereby denied.

CALDWELL, C. J., ROBERTS, ERVIN and ADAMS, JJ., concur; DREW, J., dissents

APPENDIX C

STATUTE INVOLVED

The Federal Employers' Liability Act, 45 U.S.C. Section 51, provides:

51. Liability of common carriers by railroad, in interstate or foreign commerce, for injuries to employees from negligence; definition of employees

Every common carrier by railroad while engaging in commerce between any of the several States or Territories, or between any of the States and Territories, or between the District of Columbia and any of the States or Territories, or between the District of Columbia or any of the States or Territories and any foreign nation or nations, shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, boats, wharves, or other equipment.

Any employee of a carrier, any part of whose duties as such employee shall be the furtherance of interstate or foreign commerce, or shall, in any way directly or closely and substantially, affect such commerce as above set forth shall, for the purposes of this chapter, be considered as being employed by such carrier in such commerce and shall be considered as entitled to the benefits of this chapter.